

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 12-003**

**IN RE: DENNIS SHARON
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**AMENDED INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the "Commission"), upon its own motion, initiated a preliminary investigation of Dennis Sharon (the "Respondent"), pursuant to KRS 11A.080(1), on September 19, 2011.

On March 19, 2012, the Commission entered an Initiating Order against the Respondent for violations of various provisions of KRS Chapter 11A (also referred to herein as the "Ethics Code").

At all relevant times the Respondent was a "public servant" as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission since received information indicating further possible violations of the Ethics Code and conducted an investigation to determine whether sufficient probable cause existed to support these allegations.

The Commission focused its investigation upon the Respondent's possible violation of the Ethics Code by using his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influencing a public agency in derogation of the state at large; using his official position to give himself a financial gain and an advantage in derogation of the public interest at large; using his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; failing to avoid all conduct

which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest; and in order to further his own economic interests, knowingly used confidential information acquired in the course of his official duties.

The Commission notified the Respondent of the preliminary investigation by letter dated September 26, 2011, and expanded its preliminary investigation by letter dated March 19, 2012. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on March 19, 2012, to initiate an administrative proceeding, and voted on May 14, 2012, to amend its Initiating Order, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Amended Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.

2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Amended Initiating Order.

3. Stuart Cobb, a Hearing Officer with the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort,

Kentucky 40601-8204, has been designated as the Hearing Officer presiding over this matter.

4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.

5. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. A copy of all materials shall be served on the designated Hearing Officer at the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

6. The Respondent has retained legal counsel. The Hon. Donald Duff entered an appearance on April 4, 2012.

7. A Telephonic Prehearing Conference occurred on April 20, 2012, and a administrative hearing was scheduled to occur on November 13 through 16, 2012. A status conference was scheduled for June 15, 2012 at 9:00 a.m. At the request of the parties, the Hearing Officer did not set a discovery schedule.

8. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

9. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

10. If the Respondent fails to attend or participate as required at any stage of

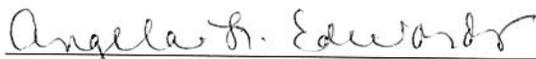
the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

11. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

12. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 14th day of May 2012.

EXECUTIVE BRANCH ETHICS COMMISSION:



Angela Edwards, Chair



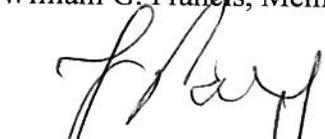
W. David Denton, Vice Chair



William L. Knopf, Member



William G. Francis, Member



Lewis G. Paisley, Member

**APPENDIX A
CASE NO. 12-003
AMENDED INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Dennis Sharon, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Fish and Wildlife Resources, under the Tourism, Arts and Heritage Cabinet. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation and expanded preliminary investigation, the Commission found probable cause to believe that Dennis Sharon committed the following violations:

COUNT I

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, in April of 2007, Sharon participated in the multi-state law enforcement operation called "Skid Roe" concerning the commercial fishing of paddlefish in restricted waters, during which Sharon was assigned the task of serving a warrant. On or about April 23, 2007, Sharon served a warrant on the Albert Collins residence and seized cash and property related to Mr. Collins' commercial paddlefish fishing operation.

On or about October 15, 2008, Sharon received a Resident Roe Bearing Harvester's Permit and Resident Commercial Fishing License from the Kentucky Department of Fish and Wildlife Resources. As documented on his Daily Roe Bearing Fish Harvester's Transaction Report, from approximately November 10, 2008, through February 22, 2010, Sharon reported

participating in commercial fishing activities in which he sold approximately 464 pounds of paddlefish roe to Albert Collins.

By participating in commercial fishing activities with a person he had arrested as part of his official duties, Sharon failed to avoid conduct which may lead the general public to believe that he was using his position as a conservation officer to further his own interests.

These facts constitute a violation of KRS 11A.020(2).

KRS 11A.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT II

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, in order to further his own economic interests, knowingly used confidential information acquired in the course of his official duties.

Specifically, in January of 2008, Sharon met with Steve Kinder, a commercial fisherman, at the boat ramp in Carrollton, Kentucky, at the confluence of the Kentucky River and the Ohio River. Kinder and Sharon discussed Kinder's desire to fish the area during the following fishing season. Kinder asked Sharon to provide him with the exact measurements of the restricted area, pursuant to 301 KAR 1:155, Section 3(2)(b). On or about April 25, 2008, at the confluence of the Kentucky and Ohio rivers, Kinder observed two commercial fishermen already in the spot. The fishermen told Kinder that Dennis Sharon directed them to fish in the area in question. In November of 2008, at the start of the commercial fishing season, Kinder discovered Sharon conducting commercial fishing activities in the same location in which Kinder told Sharon he was planning to begin fishing.

Sharon used information gained during his official duties while speaking with Steve Kinder in confidence about the benefits of commercial fishing in waters at the confluence of the Kentucky and Ohio Rivers to benefit other fishermen and himself to further his own economic interests.

These facts constitute a violation of KRS 11A.040(1).

KRS 11A.040(1) provides:

- (1) A public servant, in order to further his own economic interests, or those of any other person, shall not knowingly disclose or use confidential information acquired in the course of his official duties.

COUNT III

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, on or about April 13 and November 18 of 2009 and January 14, March 5, April 1, 2, 5, 6 and 7 of 2010, Dennis Sharon and his designated helper Kenneth Burns were observed conducting commercial fishing activities on the Ohio River within 50 yards of the mouth of the Kentucky River, in violation of 301 KAR 1:155, Section 3(2)(b), despite attesting on his Resident Roe Bearing Harvester's Permit applications that the requirements of 301 KAR

1:155 are binding upon him and anyone he designated as a helper.

By attesting on his application before the Department that he would follow 301 KAR 1:155 and failing to follow or enforce the requirements of that regulation, Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest. Such activities provided Sharon with the financial gain and benefit of fishing a restricted area that was not otherwise accessible by other commercial fishermen. Further, Sharon used his influence as a conservation officer to protect the activities of his designated helper, Kenneth Burns, allowing Burns the benefit and financial gain of fishing in waters that were otherwise restricted from other commercial fishermen.

Sharon conducted these illegal activities despite his requirement as a law enforcement officer to uphold the law and his requirement as a conservation officer to enforce fish and wildlife laws and regulations. Sharon was able to conduct these illegal activities in a prolonged and open manner because he was known in the community as a law enforcement officer and used his influence as a conservation officer over the community and his Department to protect his activities as a commercial fisherman in restricted waters, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

KRS 11A.020(1)(a), (b), (c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

- (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

(2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT IV

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, on or about March 5, 2010, conservation officers from the Indiana Department of Natural Resources (“DNR”) seized gill nets found in restricted waters at the confluence of the Kentucky and Ohio rivers in Carrollton, Kentucky, equipped with expired 2009 commercial fishing tags belonging to Dennis Sharon. That same day, at a meeting in Boone County, Kentucky, Indiana DNR Conservation Officers Lt. Tony Stoll and Maj. Felix Hensley confronted Dennis Sharon in front of his commanding officers, Sgt. Greg Davis and Capt. Bobby Newman. Sharon proceeded to inform the officers that he had obtained a valid

2010 Commercial Fishing License, but refused to show it to the officers. Sharon did not apply for a 2010 Commercial Fishing license until March 8, 2010. Further, when asked by the officers whether he had any other nets set in the waters of the Ohio River in addition to the nets the officers seized at the mouth of the Kentucky River, Sharon answered in the negative. However, Indiana DNR officers later seized a net with expired 2009 commercial fishing tags that belonged to Dennis Sharon within fifty (50) yards of the mouth of the Little Kentucky River. Sharon was charged criminally for these offenses in Switzerland County, Indiana on March 2, 2012.

Furthermore, Sharon reported on his Monthly Report of Commercial Fish Harvest in Kentucky for the month of March 2010 that he did not have commercial gill nets in any waters in Kentucky from March 1st through the 27th. However, the Indiana Officers seized gill nets belonging to Sharon placed in the Kentucky and Little Kentucky Rivers on March 5, 2010.

Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest when he lied to the Indiana and Kentucky officers about having a valid commercial license and more nets in the water. Such activities were also an attempt by Sharon to use his influence on the Kentucky and Indiana officers to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

KRS 11A.020(1)(a), (b), (c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
- (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

(2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT V

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, on or about April 6, 2010, Dennis Sharon was informed by his commanding officer, Sgt. Greg Davis, of the measurement of the restricted areas around the confluence of the Kentucky and Ohio Rivers and was provided a map including the coordinates of the restricted fishing areas. Later that day, Sharon was observed measuring and moving his commercial fishing nets, leaving his nets within the restricted zone and was overheard by undercover Indiana law enforcement officers stating to Kenneth Burns that he did not “give a damn what they think.”

Again on or about April 7, 2010, Sharon was observed measuring and moving his commercial fishing nets, leaving his nets in restricted waters and was overheard by undercover Indiana law enforcement officers stating to Kenneth Burns, "I'll tell Greg [Davis] that I moved the net and fuck what the rest of them think."

This conduct shows how Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest. Such activities were also an attempt by Sharon to use his influence as a Kentucky conservation officer to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

KRS 11A.020(1)(a), (b), (c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;
or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which

might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT VI

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, on or about April 7, 2010, conservation officers from the Indiana Department of Natural Resources (“DNR”) stopped Dennis Sharon for commercially fishing in restricted waters and seized gill nets as well as over 12 lbs of paddlefish roe found in restricted waters at the confluence of the Kentucky and Ohio Rivers in Carrollton, Kentucky. During this encounter, Indiana DNR Conservation Officers Sgt. John Cannarella, Corp. Steve Kinne, and Corey Norrod confronted Dennis Sharon about his commercial fishing in restricted waters. Sharon proceeded to inform the officers that he had been given permission by his commanding officers to fish in the restricted area and that he would have his agency defend him in court. Sharon was charged criminally for this conduct in Switzerland County, Indiana on March 2, 2012.

Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest. Such

activities were also an attempt by Sharon to use his influence on Indiana officers to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

KRS 11A.020(1)(a), (b), (c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT VII

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his

official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, on or about March 22, 2011, Dennis Sharon, without permission or the knowledge of his supervisors, while in uniform and driving his commissioned vehicle, left his assigned county of Gallatin in District 5 and travelled to Oldham County in District 3, to meet with Oldham County Attorney, John Carter, to influence the prosecution of David Cottrell, a commercial fisherman. On March 22, 2011, Sharon was working on state time and claimed 7.5 of regular hours on his official timesheet. Based on a citation brought by Indiana DNR Officers Steve Kinne and Corey Norrod, David Cottrell was charged with failure to maintain the required number of commercial fishing tags on his gill nets placed in the Ohio River. David Cottrell and Sharon both sell fish roe to Jessica Schigur, the Fish Roe Buyer whom Dennis Sharon has sold fish roe to from approximately November 20, 2010, to the present. Sharon told Mr. Carter that the offenses for which Mr. Cottrell had been charged were not offenses that the Kentucky Department of Fish and Wildlife Resources was interested in prosecuting.

By attempting to influence the prosecution of David Cottrell, Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest in commercial fishing by helping out another commercial fisherman related to his fish roe buyer. Such activities were also an attempt by Sharon to represent the interests of the Kentucky Department of Fish and Wildlife Resources in a way that would also protect his and other commercial fishermen's financial gain and benefit him by influencing the enforcement of commercial fishing laws and regulations to suit his private interests. Finally, Sharon was attempting to influence a matter that involved the same Indiana

DNR officers who charged him with commercial fishing law violations, which is a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

KRS 11A.020(1)(a), (b), (c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;
or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT VIII

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead

members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, on or about April 17, 2011, Dennis Sharon told Barrett Brewer, the conservation officer assigned to Oldham County, to not get involved with the prosecution of David Cottrell in Oldham County for the commercial fishing violation from March 2011. Sharon told Officer Brewer that that he, Dennis Sharon, was handling the matter and that Officer Brewer need not get involved. Sharon told Brewer that the case against David Cottrell should not be prosecuted.

By attempting to influence Officer Brewer to not get involved with the prosecution of David Cottrell, Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest in commercial fishing by helping out another commercial fisherman related to his fish roe buyer. Such activities were also an attempt by Sharon to influence Officer Brewer and the Kentucky Department of Fish and Wildlife Resources in a way that would also protect his and another commercial fisherman's financial gain and benefit him by influencing the enforcement of commercial fishing laws and regulations to suit his private interests. Finally, Sharon was attempting to influence a matter that involved the same Indiana DNR officers who charged him with commercial fishing law violations, which is a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

KRS 11A.020(1)(a), (b), (c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:

- (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
- (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT IX

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest and failed to abstain from an official decision in which he had or may have had a personal or private interest.

Specifically, on or about October 21, 2008, Sharon applied for a commercial fishing license and Roe Bearing Harvesters Permit with the Department. Sharon's supervisors instructed him that he was not to participate in official duties or enforcement activities in the counties in which he conducted commercial fishing and to avoid commercial fishing activities in his assigned county of Gallatin County, which was consistent with the Department's policy. From November 2008 through April 2010, Sharon was observed on multiple occasions by the public and law enforcement officers participating in commercial fishing activities in Carroll County,

Kentucky. From October 2008 through present, Sharon has issued approximately 24 citations in Carroll County, Kentucky, approximately 7 of which involve fishing related violations.

By participating in commercial fishing activities in Carroll County and issuing citations in Carroll County, Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest and failed to abstain from an official decision in which he had or may have had a personal or private interest.

These facts constitute violations of KRS 11A.020(1)(a) and (3).

KRS 11A.020(1)(a) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

KRS 11A.020(3) provides:

- (3) When a public servant abstains from action on an official decision in which he has or may have a personal or private interest, he shall disclose that fact in writing to his superior, who shall cause the decision on these matters to be made by an impartial third party.

COUNT X

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for

himself in derogation of the public interest.

Specifically, on or about April 2, 2011, while in uniform and in his commissioned vehicle, Sharon confronted two commercial fishermen at Point Park in Carrollton, Kentucky, for placing nets too closely to his commercial fishing nets located at the confluence of the Kentucky and Ohio Rivers and threatened to write them citations for the conduct and confiscate their nets so that they could not fish in the location any longer.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d).

KRS 11A.020(1)(a), (b), (c) and (d) provide:

- (2) No public servant, by himself or through others, shall knowingly:
 - (c) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
 - (d) Use or attempt to use any means to influence a public agency in derogation of the state at large;
 - (e) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;
or
 - (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

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